5y

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,021	03/12/2001	Mark Thomas Johnson	PHNL 000099	8873

24737 7590 05/03/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
WU, XIAO MIN	
ART UNIT	**PAPER NUMBER**
2674	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/804,021	JOHNSON ET AL.	
	Examiner	Art Unit	
	XIAO M. WU	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-10,13-16 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-10,13-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 4-10, 13-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent No. 6,518,962) in view of Youngquist et al. (US Patent No. 6,549,179).

As to claims 1,9, 15, Kimura et al discloses a display device comprising electroluminescent pixels (224, Fig. 19) and a drive element (209, 200b, Fig. 19) comprising means for detecting (110) and adjusting (209) radiation emitted by the pixels and correction means (209) for correcting the radiation of the pixels based upon the detection of the light radiation from the pixel.

It is noted that Kimura does not specifically disclose correction means for correcting the adjustments for an influence of detected ambient light radiation, characterized in that the correction means comprises at least one reference photosensor of detecting the ambient radiation, wherein the at least one reference photosensor is shield from the emitted radiation.

Youngquist is cited to teach a LED display device similar to Kimura. Youngquist further discloses a photosensor (24) for detecting ambient light and adjusting the brightness (or current applied to the LED) based on the ambient light detected by the photosensor. Youngquist further discloses that the print circuit board also includes an aperture 24 for a photosensor (e.g. used to sense ambient light levels and thus provide feedback control to the desired brightness level of the display in different ambient light conditions (col. 4, lines 25-43). In other words, the photosensor is positioned inside the display panel; the light emitted from the LED element is not exposure to the photo sensor. Thus, the photosensor is shield from the emitted radiation from the LED elements. It would have been obvious to one of ordinary skill in the art to have modified the correction circuit of Kimura with the additional features of the ambient light adjustment as taught by Youngquist so that the brightness can be adjusted based on the influence of the detected ambient light.

As to claims 4, Kimura as modified by Youngquist discloses the drive element means for performing computing operations (16", 209, Fig. 19) on photocurrent (parameter) values obtains via the at least one reference photosensor.

As to claim 5, Youngquist discloses a functional unit (e.g. circuit board 22) of which the least one reference photosensor (24) forms part.

As to claims 6, 10, 16, Youngquist discloses that the photosensor is formed at the circuit board. Obviously, any component formed in the circuit could be detachable.

As to claims 7, 19, Kimura discloses that the pixels are arranged in the form of a matrix (Fig. 19).

As to claims 8, 20, Kimura discloses the pixels are connected to row and/or column electrodes via switches (221, 223, Fig. 19).

As to claims 13, 18, it is well known in the art that a device such as touch screens can be operably connected (or integrated to the LED display device

As to claim 14, Kimura discloses computing unit (16", 207, 209) stored the signal from the reference photosensor (110, Fig. 19).

Response to Arguments

4. Applicant's arguments filed 12/12/2004 have been fully considered but they are not persuasive. Applicant argues that Youngquist does not disclose the shielding of the photo sensor from radiation emitted by the disclosed dot-matrix display. This argument is not persuasive because Youngquist further discloses that the print circuit board also includes an aperture 24 for a photosensor (e.g. used to sense ambient light levels and thus provide feedback control to the desired brightness level of the display in different ambient light conditions (col. 4, lines 25-43). In other words, the photosensor is positioned inside the display panel; the light emitted from the LED element is not exposure to the photo sensor. Thus, the photosensor is shield from the emitted radiation from the LED elements. Applicant also argues that from Figs. 1-3 of Youngquist, it is unequivocally clear that radiation emitted among the LEDs 20 adjacent aperture 24 may follow a downward path such adjacent LEDs 20 to the opening of aperture 24 where the

emitted radiation is downwardly reflected within aperture 24 to photosensor. This argument is not persuasive because Youngquist clearly shows that the aperture is isolated from the LEDs 20, so that the light from the LEDs would not be emitted to the photosensor. Even assuming the light from the LEDs can be downwardly reflected within the aperture, the light emitted from the LEDs would not be detected by the photosensor since the photosensor is detecting the ambient light and it must be faced up to the top surface and not the bottom surface.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571 272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 29

x.w.

XIAO M. WU
Primary Examiner
Art Unit 2674